

In Rasnick cupholder 34 is pivotally mounted to a table. In Cook the cup holder is fixed to the arm. Neither Rasnick nor Cook disclose a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position in which the cup retainer extends into the cavity and the outer surface merges with the upstanding side wall to form an exterior surface of the base and an opened position extending from the base in which the cup retainer is open upwardly and the outer surface is separated from the upstanding side wall as recited in claim 1.

Claim 6 as amended recites a juvenile seat comprising a base including a front, a rear, and opposite sides, the base being formed to include a cavity, a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position wherein the cup retainer is positioned in the cavity and the outer surface merges with the upstanding side wall to form an exterior surface of the base and an opened position wherein the cup retainer extends from the base and faces upwardly and the outer surface is separated from the upstanding side wall.

In Rasnick cupholder 34 is pivotally mounted to a table. In Cook the cup holder is fixed to the arm. Neither Rasnick nor Cook disclose the cup holder being coupled to the base to pivot between a closed position wherein the cup retainer is positioned in the cavity and the outer surface merges with the upstanding side wall to form an exterior surface of the base and an opened position wherein the cup retainer extends from the base and faces upwardly and the outer surface is separated from the upstanding side wall as recited in claim 6.

Claim 11 as amended recites a juvenile booster seat comprising a front, opposite sides, a seating surface between the sides, and a back, and a cup holder having a shell and a cup retainer coupled to the shell, the cup holder being coupled to one of the sides of the booster seat to pivot between a closed position placing the shell alongside said one of the sides of the booster seat and preventing access to the cup retainer and an opened position permitting access to the cup retainer.

Neither Rasnick nor Cook disclose the cup holder being coupled to one of the sides of the booster seat to pivot between a closed position placing the shell alongside said one of the sides of the booster seat and preventing access to the cup retainer and an opened position permitting access to the cup retainer as recited in claim 11.

All of the claims avoid the prior art of record and allowance of the present application is, respectfully, requested.

A check for \$588 for seven additional independent claims is enclosed. Any additional claim fee, or any overage, may be charged, or credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-68796).

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-68796).

Respectfully submitted,

BARNES & THORNBURG



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Attachments:

Appendix

Check for Additional Claims Fee (\$588.00)

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APPENDIX

MARKED-UP COPY OF CHANGES TO THE CLAIMS

1. (AMENDED) A juvenile seat comprising [:]

a base having a front, a rear, opposite sides and a seating surface between the sides to receive an occupant, the base having, on at least one of the sides, an upstanding side wall having a cavity facing outwardly away from the seating surface,

a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position in which the cup retainer extends into the cavity and the outer surface merges with the upstanding side wall to form an exterior surface of the base and an opened position extending from the base in which the cup retainer is open upwardly and the outer surface is separated from the upstanding side wall.

2. (AMENDED) [The juvenile seat of claim 1] A juvenile seat comprising

a base having a front, a rear, opposite sides and a seating surface between the sides to receive an occupant, the base having, on at least one of the sides, an upstanding side wall having a cavity facing outwardly away from the seating surface,

a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position in which the cup retainer extends into the cavity and an opened position extending from the base in which the cup retainer is open upwardly, wherein the base provides first and second posts extending into the cavity.

3. The juvenile seat of claim 2, wherein the shell includes first and second connectors, each connector being formed to include a post opening to receive one of the posts, the connectors pivoting about the posts when the cup holder is moved between the closed and the opened positions.

4. (AMENDED) [The juvenile seat of claim 1] A juvenile seat comprising
a base having a front, a rear, opposite sides and a seating surface between the
sides to receive an occupant, the base having, on at least one of the sides, an upstanding side
wall having a cavity facing outwardly away from the seating surface,

a cup holder comprising a shell having an inner surface providing a cup
retainer and an outer surface, the cup holder being coupled to the base to pivot between a
closed position in which the cup retainer extends into the cavity and an opened position
extending from the base in which the cup retainer is open upwardly, wherein the outer shell
surface has a convex shape, the upstanding side wall has a convex shape, and the outer shell
surface cooperates with the side wall to continue the convex shape of the side wall to form a
smooth convex shape when the cup holder is in the closed position.

5. (AMENDED) [The juvenile seat of claim 1] A juvenile seat comprising
a base having a front, a rear, opposite sides and a seating surface between the
sides to receive an occupant, the base having, on at least one of the sides, an upstanding side
wall having a cavity facing outwardly away from the seating surface,

a cup holder comprising a shell having an inner surface providing a
cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a
closed position in which the cup retainer extends into the cavity and an opened position
extending from the base in which the cup retainer is open upwardly, wherein at least one of
the base or the cup holder includes a detent to engage a recess provided by the other of the
cup holder or the base to prevent free movement of the cup holder from the closed position.

6. (AMENDED) A juvenile seat comprising [:]

a base including a front, a rear, and opposite sides, the base being formed to
include a cavity,

a cup holder comprising a shell having an inner surface providing a cup
retainer and an outer surface, the cup holder being coupled to the base to pivot between a
closed position wherein the cup retainer is positioned in the cavity and the outer surface
merges with the upstanding side wall to form an exterior surface of the base and an opened
position wherein the cup retainer extends from the base and faces upwardly and the outer
surface is separated from the upstanding side wall.

7. The juvenile seat of claim 6, wherein the base includes an upstanding side wall having an inwardly facing wall and an outwardly facing wall, and the cavity is formed in the outwardly facing wall.

sub B contd
8. (AMENDED) [The juvenile seat of claim 6,] A juvenile seat comprising a base including a front, a rear, and opposite sides, the base being formed to include a cavity,

a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position wherein the cup retainer is positioned in the cavity and an opened position wherein the cup retainer extends from the base and faces upwardly and wherein one of the base or the cup holder includes a post and the other of the base or the side wall includes a post opening to receive the post to permit pivoting movement of the cup holder relative to the base.

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9. (AMENDED) [The juvenile seat of claim 6,] A juvenile seat comprising a base including a front, a rear, and opposite sides, the base being formed to include a cavity,

a cup holder comprising a shell having an inner surface providing a cup retainer and an outer surface, the cup holder being coupled to the base to pivot between a closed position wherein the cup retainer is positioned in the cavity and an opened position wherein the cup retainer extends from the base and faces upwardly and wherein the base includes an upstanding side wall having an outwardly facing wall, the outwardly facing wall including opposing interior walls extending toward the other side of the base, each interior wall including a post extending into the cavity, the cup holder being pivotably coupled to the posts.

10. The juvenile seat of claim 9, wherein the cup holder includes first and second connectors, each connector having a post opening to receive one of the posts, the posts defining a pivot axis about which the cup holder pivots.

11. (AMENDED) A juvenile booster seat comprising [:]
a front, opposite sides, a seating surface between the sides, and a back, and
a cup holder having a shell and a cup retainer coupled to the shell, the cup
holder being coupled to one of the sides of the booster seat to pivot between a closed position
placing the shell alongside said one of the sides of the booster seat and preventing access to
the cup retainer and an opened position permitting access to the cup retainer.

12. The juvenile booster seat of claim 11, wherein the one side comprises a
generally inwardly facing wall and a generally outwardly facing wall, the outwardly facing
wall having a cavity therein to receive at least a portion of the cup retainer in the closed
position.

13. The juvenile booster seat of claim 12, wherein the shell includes an outer
surface and an inner surface providing the cup retainer, the cup retainer being positioned in
the cavity when the cup holder is in the closed position.

14. The juvenile booster seat of claim 13, wherein the outwardly facing wall is
convex, and the outer surface is continuous with the outwardly facing wall when the cup
holder is in the closed position.

15. (AMENDED) [The juvenile booster seat of claim 11] A juvenile booster seat
comprising
a front, opposite sides, a seating surface between the sides, and a back, and
a cup holder having a shell and a cup retainer, the cup holder being coupled to
one of the sides of the booster seat to pivot between a closed position preventing access to the
cup retainer and an opened position permitting access to the cup retainer, wherein the shell
includes a first hinge portion, and the side to which the cup holder is coupled includes a
second hinge portion, the coupling between the cup holder and the one of the sides being
provided by the hinge portions.

16. The juvenile booster seat of claim 11, wherein the shell includes an upper
portion and a lower portion, and when the user applies a force to the lower portion of the
shell, the cup holder pivots toward the opened position.

17. (AMENDED) [The juvenile booster seat of claim 11] A juvenile booster seat
comprising
a front, opposite sides, a seating surface between the sides, and a back, and
a cup holder having a shell and a cup retainer, the cup holder being coupled to
one of the sides of the booster seat to pivot between a closed position preventing access to the
cup retainer and an opened position permitting access to the cup retainer, wherein the shell
includes an outer shell surface and an inner shell surface, and the side to which the cup holder
is coupled includes a support edge to contact a portion of the outer shell surface to support
the cup holder in the opened position, the support edge having a shape to match the shape of
the portion of the outer shell surface so contacted.